

In the Matter of Merchant Mariner's Document No. Z-517303
Issued to: EDGAR JOHNSON

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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EDGAR JOHNSON

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 30 January, 1953, an Examiner of the United States Coast Guard at New Orleans, Louisiana, revoked Merchant Mariner's Document No. Z-517303 issued to Edgar Johnson upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as a messman on board the American SS MAYO LYKES under authority of the document above described, on or about 29 January, 1953, while said vessel was in the port of New Orleans, Louisiana, he wrongfully had in his possession certain narcotics; to wit, marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer and Appellant made opening statements. Appellant stated that he had first used marijuana in 1934 or 1935.

At the conclusion of the hearing, having given both parties an opportunity to submit argument and proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved by plea. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-517303 and all other licenses, certificates of service and documents issued to this Appellant.

From that order, this appeal has been taken, and it is a plea for clemency based upon Appellant's claim that he has never used any form of narcotic or alcohol on board any vessel; nor has he had any other kind of trouble aboard ship or ashore in the United States.

Based upon my examination of the record submitted, I hereby
make the following

FINDINGS OF FACT

On 29 January, 1953, Appellant was serving as a messman on board the American SS MAYO LYKES and acting under authority of his Merchant Mariner's Document No. Z-517303 while the ship was in the port New Orleans after returning from a foreign voyage.

During a routine search of the ship by the Customs authorities on this date, a small quantity of marijuana was found in the pocket of a pair of trousers which belonged to Appellant. At this time, Appellant stated that the marijuana was the remainder of marijuana cigarettes which he had smoked while on shore leave in a South African port.

OPINION

The seriousness of the offense of using marijuana or possessing it while serving on board ship merits the application of the policy of revocation which prevails in all cases of narcotics offenses. Appellant was guilty of both of these offenses by his own admissions and his plea of guilty. Despite an otherwise clear record, seamen will not be granted clemency in such cases.

ORDER

The Order of the Examiner dated at New Orleans, Louisiana, on 30 January, 1953, is ~~REVERSED~~ **AFFIRMED**.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 1st day of June, 1953.